

86<sup>th</sup> Legislative Session – 2011

Committee: Senate Judiciary

Thursday, February 10, 2011

P - Present  
E - Excused  
A - Absent

Roll Call

P Begalka  
P Hunhoff (Jean)  
P Nygaard  
P Vehle  
P Buhl  
P Cutler, Vice-Chair  
P Tieszen, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator Craig Tieszen, Chair.

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 8, 2011

Moved by: Buhl  
Second by: Hunhoff (Jean)  
Action: Prevailed by voice vote.

THE CHAIR DEFERRED SB 172 UNTIL THURSDAY, FEBRUARY 17, 2011

MOTION: CONFIRM APPOINTMENT OF LOREN MCMANUS OF MINNEHAHA COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA CRIME VICTIMS' COMPENSATION COMMISSION

Moved by: Nygaard  
Second by: Buhl  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

MOTION: CONFIRM APPOINTMENT OF ALICIA Y. ALVAREZ OF MINNEHAHA COUNTY, SIOUX FALLS, SOUTH DAKOTA, TO THE SOUTH DAKOTA CRIME VICTIMS' COMPENSATION COMMISSION

Moved by: Vehle  
Second by: Nygaard  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

SB 164: revise certain provisions regarding the regulation of traffic on municipal streets.

Presented by: Senator Mark Johnston  
Proponents: Yvonne Taylor, SD Municipal League  
Larry Nelson, SD Police Chief's Association  
Dick Tieszen, SD Associated School Boards/Sioux Falls School District  
(Handouts: #1)

MOTION: AMEND SB 164

164ta

On page 1 of the printed bill, delete line 6, and insert "enforcement of traffic regulations as municipal ordinance violations on any portion of the state highway trunk system".

Moved by: Nygaard  
Second by: Begalka  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 164 AS AMENDED

Moved by: Begalka  
Second by: Nygaard  
Action: Failed by roll call vote. (3-4-0-0)

Voting Yes: Begalka, Nygaard, Tieszen

Voting No: Hunhoff (Jean), Vehle, Buhl, Cutler

MOTION: DEFER SB 164 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Cutler  
Second by: Vehle  
Action: Prevailed by roll call vote. (4-3-0-0)

Voting Yes: Hunhoff (Jean), Vehle, Buhl, Cutler

Voting No: Begalka, Nygaard, Tieszen

SB 173: allow specific details of alleged sex crimes against minors be suppressed under certain conditions.

Presented by: Senator Joni Cutler  
Proponents: Sue Simons, self, Sioux Falls  
Pamela Homan, Sioux Falls School District 49-5  
Steve Siegel, SD Trial Lawyers Association

MOTION: DO PASS SB 173

Moved by: Nygaard  
Second by: Buhl  
Action: Prevailed by roll call vote. (7-0-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Nygaard, Vehle, Buhl, Cutler, Tieszen

SB 115: prohibit the use of certain wireless communication devices while driving.

Presented by: Senator Stanford Adelstein

MOTION: AMEND SB 115

115rb

On page 1 of the printed bill, delete lines 4 to 15, inclusive, and insert:

" Section 1. That chapter 32-26 be amended by adding thereto a NEW SECTION to read as follows:

No person may operate a motor vehicle while using a cellular telephone or other wireless telecommunications device. For the purposes of this section, the term, using, means the talking, listening, or placing or receiving a call on any cellular telephone or other wireless telecommunications device, or operating its keys, buttons, or other controls. A violation of this section is a Class 2 misdemeanor."

On page 2, delete lines 1 and 2.

On page 2, delete line 7.

On page 2, line 8, delete "(3)" and insert "(2)".

On page 2, line 10, delete "(4)" and insert "(3)".

On page 2, line 11, delete "(5)" and insert "(4)".

Moved by: Cutler  
Second by: Nygaard  
Action: Prevailed by voice vote.

MOTION: DO PASS SB 115

Moved by: Nygaard  
Second by: Cutler  
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 115 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Hunhoff (Jean)  
Second by: Begalka  
Action: Prevailed by roll call vote. (6-1-0-0)

Voting Yes: Begalka, Hunhoff (Jean), Vehle, Buhl, Cutler, Tieszen

Voting No: Nygaard

SB 116: provide for the confiscation of motor vehicle license plates for certain driving under the influence violations.

Presented by: Senator Stanford Adelstein  
Opponents: Debra Hillmer, Department of Revenue and Regulation  
Randy Hartley, Department of Public Safety  
Staci Eggert, SD Sheriff's Association

MOTION: DEFER SB 116 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Buhl  
Second by: Begalka  
Action: Prevailed by roll call vote. (6-0-1-0)

Voting Yes: Begalka, Hunhoff (Jean), Vehle, Buhl, Cutler, Tieszen

Excused: Nygaard

MOTION: ADJOURN

Moved by: Buhl  
Second by: Cutler  
Action: Prevailed by voice vote.

Rena Ortbahn  
Committee Secretary

---

Craig Tieszen, Chair